

# Claim and Delivery Procedures and Instruction Sheet

**FILING:** The filing and service of process fee is \$65.00. The claim and delivery and any attachments must be filed in DUPLICATE. Please provide the court with a clear and accurate legal name and street address for the defendant so that the claim and delivery can be served without delay. The jurisdictional limit in this court is \$7,500.00. Once filed, you will be given a court date in which to appear for court.

The property which is described in the affidavit of the claim and delivery has to be described in detail, including any serial numbers, etc.

The case must be filed with the Magistrates Court in which the defendant resides and/or where the property is located.

**SUMMONS:** The court issues a summons when the claim and delivery is filed and the papers are served upon the defendant. Included in that summons is not only the court date, but also a Restraining Order which restrains the defendant from damaging, concealing or removing the property described in the affidavit until final adjudication of the matter.

**APPEALS:** An appeal must be filed in writing within thirty (30) days from the court date. The appeal must be filed with the Court of Common Pleas. The notice of appeal must be personally served on this court and on the opposing party within the same thirty (30) days.

## **DISPOSSESSION**

**ORDERS:** If the court rules in the favor of the plaintiff and the property has to be forcibly removed by the constable and Berkeley County Sheriff's deputy, then a Dispossession Order is required to be filed with the court prior to the pick-up of the property. The filing fee for a Dispossession Order is \$20.00.